

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

NATIONAL ASSOCIATION FOR THE ) Case No. 04-CV-1691-RBH  
ADVANCEMENT OF COLORED PEOPLE,) INC.; NATIONAL ASSOCIATION FOR )  
THE ADVANCEMENT OF COLORED )  
PEOPLE, INC., CONWAY BRANCH; )  
DARYL CURRY; MICHAEL GOOD; )  
MICHAEL THOMAS; MICHAEL )  
TAYLOR; URSULA KELLY; MARVIN )  
FULTON; DENISE WRIGHT; BARBARA )  
COLEMAN; and SANDRA NELSON, on )  
behalf of themselves and others similarly )  
situated, )  
Plaintiffs, )  
vs. )  
PAAR, INC.; d/b/a Damon's Grill; )  
DOWNWIND TRADING CO., INC., d/b/a )  
Damon's Grill; EASTERN CAROLINAS )  
MANAGEMENT, INC.; DAMONS )  
EASTERN CAROLINAS, LTD.; DAMON'S )  
INTERNATIONAL FRANCHISING )  
CORP.; DAMON'S MANAGEMENT, INC.; )  
and DAMON'S INTERNATIONAL, INC. )  
Defendants. )  
)

**CONSENT PROTECTIVE ORDER**

It appearing that the Defendants, PAAR, Inc. d/b/a Damon's Grill; Downwind Trading Co., Inc. d/b/a Damon's Grill; Eastern Carolinas Management, Inc.; Damon's Eastern Carolinas, Ltd. have requested of the City of North Myrtle Beach, production of documents consisting of "any documents from the years 2000, 2001, 2002, 2003 and 2004 related to

traffic designs, studies, codes, policies or duty rosters for the Spring Harley Davidson Bike Rally Event and for the Atlantic Beach Bike Fest Event, including, but not limited to, any diagrams or designs depicting cone barriers and personnel placement, as well as any policies or documentation related to fines or penalties for any interference with any such barriers; any and all letters or documents from the years 2000, 2001, 2002, 2003 and 2004 from any federal, state or local agency or department reflecting any approval or review of any such traffic designs, studies, codes or policies for the Spring Harley Davidson Bike Rally Event and the Atlantic Beach Bike Fest Event.,” which is information considered by the parties to this Protective Order to be information of a confidential nature, public disclosure of which is not appropriate;

**IT IS THEREFORE ORDERED** that such information will be designated as confidential by agreement of the attorneys for the undersigned parties and shall be subject to the terms of this Protective Order; and

**IT IS FURTHER ORDERED** that each party and their counsel are prohibited from disclosing to any person not a party, counsel or employee of a party or counsel in this lawsuit both during the pendency of this action and after its final resolution, any such information designated confidential by the parties, except that if it is necessary to disclose such confidential information to an expert witness, such expert witness shall first sign a statement in the form attached hereto, consenting to the terms of this Protective Order; and

**IT IS FURTHER ORDERED** that each party and their counsel shall be prohibited from using any documents or information designated as confidential by the parties and may

only be used for the purposes of trial in this case as permitted by the Federal Rules of Evidence. These documents may not be used for any other purpose whatsoever.

**IT IS FURTHER ORDERED** that each party shall have the right to show a confidential document to any person who prepared or participated in the preparation of the documents; and

**IT IS FURTHER ORDERED** that each party, and counsel for each party shall return all documents or other information designated as confidential, together with all copies thereof, to the party producing or providing such confidential information within fifteen (15) days of the final resolution of this action; and

**IT IS FURTHER ORDERED** that any person violating this Protective Order shall be subject to the contempt powers of this Court. Should any document deemed confidential by either party be disclosed to anyone other than the undersigned attorneys and their employees involved in this action, that person must execute the written assurance attached to this Protective Order prior to either attorney divulging that information to any person, including any officer, agent or employee of the Plaintiff or Defendant. Nothing contained in this paragraph shall permit anyone to disclose this information to anyone other than as set forth herein.

**IT IS FURTHER ORDERED** that this Order applies only to documents and information voluntarily produced by the parties, and does not waive or effect any party's right to object and refuse to produce any document or information on the grounds of confidentiality, privilege, or any other reason.

Any aggrieved party may apply for relief from this Order.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

December 12, 2005  
Florence, South Carolina

**WE MOVE AND CONSENT:**

s/ Chris Noury

Christopher P. Noury, Esquire  
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s/ Armand G. Derfner

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OF COUNSEL

Attachment A

CONSENT TO BE BOUND

I, \_\_\_\_\_, who maintain my address at \_\_\_\_\_

\_\_\_\_\_, hereby acknowledge that I may receive information designated as confidential material under the Consent Protective Order executed between parties in Civil Action No. 04:04-1691-27 and the City of North Myrtle Beach (the "Order"). I certify that I have read the Order, and I agree not to disclose any confidential material that is produced subject to or is otherwise covered by the Order to any person not entitled to receive disclosure of such confidential material under the provisions of such Order. I agree to use any confidential material solely for the purposes appropriate to my participation in connection with the litigation,

I declare under penalty of perjury and upon personal knowledge that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005

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